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Union Carbide Corporation  
A Subsidiary of The Dow Chemical Company

February 17, 2012

**Via Electronic Mail and Federal Express, Overnight**

Deena Sheppard, Enforcement Specialist  
U.S. Environmental Protection Agency-Region 5  
Superfund Division (SC-5J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

**Re: Response to Request for Information Pursuant to Section 104 of CERCLA  
regarding the Gary Development Landfill Site located at 479 Cline Avenue, in the  
City of Gary, Lake County, Indiana  
CERCLA ID No: IND077005916**

Dear Ms. Sheppard:

Union Carbide Corporation ("UCC") ("Respondent") hereby submits this Response to the Request for Information ("Request") dated November 30, 2011 from the United States Environmental Protection Agency ("EPA") concerning the Gary Development Landfill Site (the "Site"). UCC appreciates the Agency's prior grant of an extension of time to respond to the request.

Respondent reserves the right to supplement this response should any additional responsive information be discovered. Respondent has endeavored to answer the questions in EPA's letter to the fullest extent reasonably possible. The enclosed information is being provided in an effort to cooperate with EPA, without admitting or acknowledging that EPA has the authority to require production of the information requested, or that the statutory authority asserted in the information request is applicable. Additionally, nothing in this response should be construed as an admission of any liability or responsibility on the part of Respondent regarding any costs incurred by EPA or any other party relating to the Site. Respondent reserves all defenses and rights available to it under the law.

Respondent has a policy and well-documented history of cooperation with federal, state, and local environmental authorities. It intends to cooperate, likewise, with respect to the instant Request. The broad scope of the Request, however, compels Respondent to raise objections to the Request, both general and specific. In so doing, Respondent does not intend to diminish the seriousness of purpose with which it has investigated matters implicated by the Request or with which it has assembled this response. Respondent is not prepared; however, to undertake the overly broad and onerous burden demanded by the Request where that burden is not reasonably calculated to lead to pertinent or responsive information regarding the Site.

## **General Objections**

Respondent asserts the following General Objections to the Request, which General Objections are hereby incorporated in each and every response of Respondent to individual questions below. To the extent Respondent responds to questions to which it objects, such objections are not waived by the furnishing or providing of information.

1. Respondent objects to the Request to the extent the Request exceeds the scope of EPA's authority under the statutory references cited in the Request.
2. Respondent objects to the Request as overly broad and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents regarding products and wastes even where no connection to the Site appears to exist. Further, Respondent objects to the Request because the Request seeks information regarding activities at a level of detail that is impossible to provide without extreme burden and oppression, if at all.
3. Respondent objects to the Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the joint defense privilege, and any other legally cognizable privilege. Respondent further objects to the Request to the extent it dictates the manner in which those privileges are to be asserted.
4. Respondent objects to the Request to the extent that it seeks information in the possession, custody, or control of EPA, or any other local, state, or federal governmental authority. Respondent further objects to the Request to the extent that it seeks information that is a matter of public record.
5. Respondent objects to the Request to the extent that it seeks information outside of Respondent's possession, custody or control.
6. Respondent objects to the definition of "identify" with respect to natural persons as overly broad and unduly burdensome to the extent it seeks present information, which may not be within the control of Respondent.

### **Response of UCC**

1. Provide copies of all documents, records, and correspondence in your possession relating to Gary Development Landfill.

**Response:** Subject to and without waiving objections raised in this Response, UCC's investigation revealed no documents or information responsive to this Request.

2. Identify and describe, and provide all documents that refer or relate to:

a. The precise location, address, and name of the facility where disposal, treatment, unloading, management, and handling of the hazardous substances occurred. Provide the official name of the facility and a description of the facility where each hazardous substance involved in such transactions was actually disposed or treated.

b. The location or facility of such disposal, treatment, unloading, management and handling is a different location or facility than what was originally intended, please provide all documents that relate and/or refer to why the substances came to be located at the different location or facility.

c. All intermediate sites where the hazardous substances involved in each arrangement were transshipped, or where they were stored or held, any time prior to final treatment or disposal.

d. The nature, including the chemical content, characteristics, physical state (e.g., solid, liquid) and quantity (volume and weight) of all hazardous substances involved in each arrangement.

e. In general terms, the nature and quantity of the non-hazardous substances involved in each such arrangement.

f. The condition of the transferred material containing hazardous substances when it was stored, disposed, treated or transported for disposal or treatment.

g. The markings on and type, condition and number of containers in which the hazardous materials were contained when they were stored, disposed, treated, or transported for disposal or treatment.

h. All tests, analyses, analytical results and manifests concerning each hazardous substance involved in each transaction. Please include information regarding who conducted the test and how the test was conducted (batch sampling, representative sampling, splits, composite, etc.)

i. The final disposition of each of the hazardous substances involved in each arrangement.

j. All persons, including you, who may have entered into an agreement or contract for the disposal, treatment or transportation of a hazardous substance at or to the Site. Please provide the persons' titles and departments/offices.

i. The names, addresses, and telephone numbers of persons or entities who received the hazardous substances from the persons described in 2(j) above.

ii. Any person with whom the persons described in 2(j) made such arrangements.

iii. The dates when each person described in 2(j) made such arrangements and provide any documentation.

iv. The steps you or other persons, including persons identified in 2(j) above took to reduce the spillage or leakage. Please identify any operational manuals or policies (e.g. a facility's spill control policy) which address the management of spills and leaks and provide any documentation.

v. The amount paid by you, or other persons referred to in 2(j) above in connection with each transaction for such arrangement, the method of payment, and the identity of the persons involved. Please provide any contacts, written agreements, or documentation reflecting the terms of the agreements.

vi. The amount of money received by you or other persons referred to in 2(j) above for the sale, transfer, or delivery of any material containing hazardous substances and provide any documentation. If the material was repaired, refurbished, or reconditioned, how much money was paid for this service?

k. Who controlled and/or transported the hazardous substances prior to delivery to the Site? Provide agreements and/or documents showing the times when each party possessed the hazardous substances.

l. The owner(s) or possessor(s) (persons in possession) of the hazardous substances involved in each arrangement for disposal or treatment of the substances. If the ownership(s) changed, when did this change(s) occur? Please provide documents describing this transfer of ownership, including the date of transfer, persons involved in the transfer, reason for the transfer of ownership, and details of the arrangement(s) such as contracts, agreements, etc. If you did not own the hazardous substances when shipped, who did own it and how did you come to own the hazardous substances?

m. Who selected the location where the hazardous substances were to be disposed or treated?

n. How were the hazardous substances or materials containing hazardous substances planned to be used at the Site?

o. What was done to the hazardous substances once they were brought to the Site, including any service, repair, recycling, treatment, or disposal.

p. What activities were typically conducted at the Site or the specific facility where the hazardous substances were sent? What were the common business practices at the Site? How and when did you obtain this information?

q. How were the hazardous substances typically used, handled, or disposed of at the Site?

r. How long did you have a relationship with the owner(s) and/or operator(s) of the Site?

s. Did you have any influence over waste disposal activities at the Site? If so, how?

t. What percentage of your total hazardous substances went to the Site?

u. What steps did you take to dispose of or treat the hazardous substances? Please provide documents, agreements and/or contracts reflecting these steps.

v. What involvement (if any) did you have in selecting the particular means and method of disposal of the hazardous substances.

w. At the time you transferred the hazardous substances, what did you intend to happen to the hazardous substances? Please provide any contracts, written agreements, and/or other documentation reflecting the intention of the parties. If you do not have such documents and/or materials, please so state.

x. With respect to all transactions involving hazardous substances, at the time of the transaction, specify the measures you took to determine the actual means of treatment, disposal or other uses of hazardous substances. Provide information you had about the treatment and disposal practices at the Site. What assurances, if any, were you given by the owners/operators at the Site regarding the proper handling and ultimate disposition of the materials you sent there?

y. What efforts, if any, did you take to investigate the nature of the operations conducted at the Site and the environmental compliance of the Site prior to selling, transferring, delivering (e.g., for repair, consignment, or joint-venture), disposing of, or arranging for the treatment or disposal of any hazardous substances.

z. Was there a shrinkage/spillage provision or loss allowance in the contract, or an understanding outside of the contract? As a part of the transaction, was there any penalty for shrinkage, spillage, or loss? Did the arrangement acknowledge that spills would occur?

**Response:** In addition to the General Objections set forth above, UCC objects to this as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents even where no connection to the Site appears to exist.

Subject to and without waiving objections raised in this Response, after a reasonably diligent investigation, UCC has located no documents or other information to suggest that it arranged for the disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site or to the Site.

3. Provide names, addresses and telephone numbers of any individuals including former and current employees, who may be knowledgeable of Union Carbide's operations and hazardous substances handling, storage and disposal practices.

**Response:** In addition to the General Objections set forth above, UCC objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents regarding operations even where no connection to the Site appears to exist. Identifying all individuals who may be knowledgeable of UCC's operations and hazardous substances handling, storage and disposal practices at all of UCC's facilities, including those that have no nexus to the Gary Site, is not feasible because UCC has maintained operations since 1917 at multiple sites in the United States and internationally.

Subject to and without waiving objections raised in this Response, UCC knows of no persons that may be able to provide a more detailed or complete response to this Request, or provide any additional responsive documentation regarding the Site.

4. State the date(s) on which the drums and/or hazardous substances were sent, brought or moved to the Site and the names, addresses and telephone numbers of the person(s) making arrangements for the drums to be sent, brought or moved to the Site.

**Response:** Subject to and without waiving objections raised in this Response, after a reasonably diligent investigation, UCC's investigation revealed no documents responsive to this Request.

5. List all federal, state and local permits and/or registrations issued to Union Carbide for the transport and/or disposal of materials.

**Response:** In addition to the General Objections set forth above, UCC objects to this as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents regarding materials even where no connection to the Site appears to exist.

Subject to and without waiving objections raised in this Response, after a reasonably diligent investigation, UCC has located no documents or other information to suggest that it arranged for the disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site or to the Site.

6. Which shipments or arrangements were sent under each permit? If what happened to the hazardous substances differed from what was specified in the permit, please state, to the best of your knowledge, the basis or reasons for such difference.

**Response:** In addition to the General Objections set forth above, UCC objects to this as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents regarding wastes even where no connection to the Site appears to exist.

Subject to and without waiving objections raised in this Response, after a reasonably diligent investigation, UCC has located no documents or other information to suggest that it arranged for the disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site or to the Site.

7. Were all hazardous substances transported by licensed carriers to hazardous waste TSDFs permitted by the U.S. EPA?

**Response:** In addition to the General Objections set forth above, UCC objects to this as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents regarding hazardous substances even where no connection to the Site appears to exist.

Subject to and without waiving objections raised in this Response, after a reasonably diligent investigation, UCC has located no documents or other information to suggest that it arranged for the disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site or to the Site.

8. List all federal, state and local permits and/or registrations and their respective permit numbers issued for the transport and/or disposal of wastes.

**Response:** In addition to the General Objections set forth above, UCC objects to this as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents regarding wastes even where no connection to the Site appears to exist.

Subject to and without waiving objections raised in this Response, after a reasonably diligent investigation, UCC has located no documents or other information to suggest that it arranged for the disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site or to the Site.

9. Does your company or business have a permit or permits issued under RCRA? Does it have, or has it ever had, a permit or permits under the hazardous substance laws of the State of Indiana? Does your company or business have an EPA Identification Number, or an identification number supplied by the State Environmental Protection Agency? Supply any such identification number(s) your company or business has.

**Response:** In addition to the General Objections set forth above, UCC objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents regarding operations even where no connection to the Site appears to exist. Identifying all permits under RCRA or Indiana law and all EPA Identification Numbers or State equivalents is not feasible because UCC has maintained operations since 1917 at multiple sites in the United States and internationally.

Subject to and without waiving objections raised in this Response, after a reasonably diligent investigation, UCC has located no documents or other information to suggest that it arranged for the disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site or to the Site.

10. Identify whether a Notification of Hazardous Waste Activity was ever filed with the EPA or the corresponding agency or official of the State of Indiana, the date of such filing, the wastes described in such notice, the quantity thereof described in such notice, and the identification number assigned to such facility by EPA or the state agency or official.

**Response:** In addition to the General Objections set forth above, UCC objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents regarding wastes even where no connection to the Site appears to exist.

Subject to and without waiving objections raised in this Response, after a reasonably diligent investigation, UCC has located no documents or other information to suggest that it arranged for the disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site or to the Site.



11. Provide the correct name and addresses of your plants and other buildings or structures where Union Carbide carried out operations in Indiana and Illinois (excluding locations where ONLY clerical/office work was performed).

**Response:** In addition to the General Objections set forth above, UCC objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents regarding wastes even where no connection to the Site appears to exist. UCC has maintained operations since 1917 at multiple sites in the United States, including Indiana and Illinois. UCC does not maintain a comprehensive list of all facilities that it ever operated. Many of UCC's facilities have been sold or closed over the years.

Subject to and without waiving objections raised in this Response, UCC is limiting its Response to the time period from 1975-1989. UCC is unable to provide information regarding the accuracy of the below listed names and addresses. UCC does not currently operate any of the below listed facilities.

Industrial Gases, 1224 N. Boo Road, Chesterton, IN\*  
UC Industrial Gases, 4400 Kennedy Avenue, East Chicago, IN\*  
UCC, County Rd. 1450 South, Kentland, IN  
UCC, 1245 Main Street, Speedway, IN\*  
UCC CE Speedway Prod Ply and Linde Division, 4801 West 16<sup>th</sup> Street, Speedway, IN\*  
UCC, 1500 Polco Street, Speedway, IN\*  
UC Industrial Gases, Standard Ave, Whiting, IN\*  
UCC Chemicals and Plastics, Alsip Latex Plant, 12840 and 13160 South Crawford Avenue, Alsip, IL  
Coatings Service Plant, 4101 W. 124<sup>th</sup> Pl, Alsip, IL  
UCAR Emulsion Systems, 12840 South Pulaski Road, Alsip, IL  
UCC, 4600 W. 34<sup>th</sup> Street, Cicero, IL  
UCC, Route 6, Ottawa, IL

\*These facilities may be associated with the Linde Division or industrial gases division of UCC, which is now an unaffiliated corporation named Praxair, Inc. ("Praxair").

12. Provide a schematic diagram or flow chart that fully describes and/or illustrates your company's operations.

**Response:** In addition to the General Objections set forth above, UCC objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents regarding operations even where no connection to the Site appears to exist.

Subject to and without waiving objections raised in this Response, after a reasonably diligent investigation, UCC has located no documents or other information to suggest that it arranged for the disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site or to the Site.

13. Provide a brief description of the nature of your company's operations at each location including: If the nature or size of your company's operations changed over time, describe those changes and the dates they occurred.

**Response:** In addition to the General Objections set forth above, UCC objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents regarding operations even where no connection to the Site appears to exist.

Subject to and without waiving objections raised in this Response, UCC is a complex global corporation that has maintained operations since 1917 at multiple sites in the United States and internationally. In an effort to present the information EPA has requested in a condensed and easy to review format, a copy of the Form 10-K of UCC, is available via the internet at the following site:

<http://phx.corporate-ir.net/phoenix.zhtml?c=109589&p=irol-SECText&TEXT=aHR0cDovL2lyLmludC53ZXN0bGF3YnVzaW5lc3MuY29tL2RvY3VtZW50L3YxLzAwMDAwMjk5MTUtMTItMDAwMDA2L3htbA%3d%3d>

14. List the types of raw materials used in your company's operations, the products manufactured, recycled, recovered, treated, or otherwise processed in these operations.

**Response:** In addition to the General Objections set forth above, UCC objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents regarding operations even where no connection to the Site appears to exist.

Subject to and without waiving objections raised in this Response, please see response to Question 13.

15. Provide copies of Material Safety Data Sheets (MSDS) for materials used in your company's operations.

**Response:** In addition to the General Objections set forth above, UCC objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents regarding operations even where no connection to the Site appears to exist.

16. Provide any release reports that were taken pursuant to Section 103(a) of CERCLA and Section 304 of the Emergency Planning and Community Right-to-Know Act (EPCRA).

**Response:** In addition to the General Objections set forth above, UCC objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents regarding operations even where no connection to the Site appears to exist. Further, to the extent such information exists, it is a matter of public record.

Subject to and without waiving objections raised in this Response, after a reasonably diligent investigation, UCC has located no documents or other information to suggest that it arranged for the disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site or to the Site.

17. Identify all federal offices to which Union Carbide has sent or filed hazardous substance or hazardous waste information.

**Response:** In addition to the General Objections set forth above, UCC objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents regarding operations even where no connection to the Site appears to exist. Identifying hazardous substance or hazardous waste information for all federal offices is not feasible because UCC has maintained operations since 1917 at multiple sites.

Subject to and without waiving objections raised in this Response, after a reasonably diligent investigation, UCC has located no documents or other information to suggest that it arranged for the disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site or to the Site.

18. State the years during which such information was sent/filed.

**Response:** Please see response to Question 17.

19. Identify (see Definitions) all Illinois and Indiana state offices to which Union Carbide has sent or filed hazardous substance or hazardous waste information.

**Response:** In addition to the General Objections set forth above, UCC objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents regarding hazardous substance or hazardous waste information even where no connection to the Site appears to exist.

20. State the years during which such information was sent/filed.

**Response:** Please see response to Question 19.

21. List all federal and state environmental laws and regulations under which Union Carbide has reported to federal or state governments, including but not limited to: Toxic Substances Control Act (TSCA), 15 U.S.C. Sections 2601 to 2692; Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. Sections 11001 to 11050; and the Clean Water Act 33 U.S.C. Section 1251 to 1387.

**Response:** In addition to the General Objections set forth above, UCC objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents regarding operations even where no connection to the Site appears to exist.

Subject to and without waiving objections raised in this Response, after a reasonably diligent investigation, UCC has located no documents or other information to suggest that it arranged for the disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site or to the Site.

22. Identify the federal and state offices to which such information was sent.

**Response:** Please see response to Question 21.

23 For each type of waste (including by-products) from Union Carbide's operations in Indiana and Illinois during the time period of 1975 through 1999, including but not limited to all liquids, sludges, and solids, provide the following information:

- a. its physical state;
- b. its nature and chemical composition;
- c. its color;
- d. its odor;
- e. the approximate monthly and annual volumes of each type of waste (using such measurements as gallons, cubic yards, pounds, etc.); and
- f. the dates (beginning & ending) during which each type of waste was produced by Your company's operations.

**Response:** In addition to the General Objections set forth above, UCC objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents regarding operations even where no connection to the Site appears to exist.

Subject to and without waiving objections raised in this Response, after a reasonably diligent investigation, UCC has located no documents or other information to suggest that it arranged for the disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site or to the Site.

24. Provide a schematic diagram that indicates which part of Union Carbide's operations generated each type of waste, including but not limited to wastes generated by cleaning and maintenance of equipment and machinery and wastes resulting from spills of liquid materials.

**Response:** In addition to the General Objections set forth above, UCC objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents regarding operations even where no connection to the Site appears to exist.

Subject to and without waiving objections raised in this Response, after a reasonably diligent investigation, UCC has located no documents or other information to suggest that it arranged for the disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site or to the Site.

25. Describe how each type of waste was collected and stored at Union Carbide's operation prior to disposal/recycling, sale/transport, including:

- a. the type of container in which each type of waste was placed/stored; and
- b. where each type of waste was collected/stored.

**Response:** In addition to the General Objections set forth above, UCC objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents regarding operations even where no connection to the Site appears to exist.

Subject to and without waiving objections raised in this Response, after a reasonably diligent investigation, UCC has located no documents or other information to suggest that it arranged for the disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site or to the Site.

26. Provide copies of all casualty, liability and/or pollution insurance policies, and any other insurance contracts related to the Gary Development Landfill (including, but not limited to, Environmental Impairment Liability, Pollution Legal Liability, Cleanup Cost Cap or Stop Loss

Policies, Institutional Controls and Post Remediation Care Insurance) that provide Union Carbide with liability insurance for damage to third party property from 1975 through 1999.

**Response:** Subject to and without waiving objections raised in this Response, UCC's investigation revealed no documents responsive to this Request.

27. To the extent not provided in Question 26 above, provide copies of all insurance policies that may potentially provide Union Carbide with insurance for bodily injury, property damage and/or environmental contamination in connection with the Site and/or Union Carbide's business operations. Include, without limitation, all comprehensive general liability, primary, excess, and umbrella policies.

**Response:** In addition to the General Objections set forth above, UCC objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents regarding operations even where no connection to the Site appears to exist.

Subject to and without waiving objections raised in this Response, UCC's investigation revealed no documents suggesting a connection with the Site.

28. To the extent not identified in Questions 26 or 27 above, provide all other evidence of casualty, liability and/or pollution insurance issued to your company for the period being investigated as identified in Question 26.

**Response:** In addition to the General Objections set forth above, UCC objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents regarding operations even where no connection to the Site appears to exist.

Subject to and without waiving objections raised in this Response, UCC's investigation revealed no documents suggesting a connection with the Site.

29. If there are any such policies from Questions 26, 27, or 28 above of which you are aware but neither possesses copies, nor are able to obtain copies, identify each such policy to the best of your ability by identifying:

- a. The name and address of each insurer and of the insured;
- b. The type of policy and policy numbers;
- c. The per occurrence policy limits of each policy; and
- d. The effective dates for each policy.

**Response:** Please see responses to Questions 26, 27 and 28.

30. Identify all insurance brokers or agents who placed insurance for the Union Carbide at any time during the period being investigated as identified in Question 26, and identify the time period during which such broker or agent acted in this regard. Identify by name and title, if known, individuals at the agency or brokerage most familiar with Union Carbide's pollution and/or liability insurance program and the current whereabouts of each individual.

**Response:** In addition to the General Objections set forth above, UCC objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents regarding operations even where no connection to the Site appears to exist.

Subject to and without waiving objections raised in this Response, UCC's investigation revealed no documents suggesting a connection with the Site.

31. Identify all previous settlements by your company (or your company's predecessors) with any insurer which relates in any way to environmental liabilities and/or to the policies referenced in Questions 26-29 above, including:

- a. The date of the settlement;
- b. The scope of release provided under such settlement;
- c. The amount of money paid by the insurer pursuant to such settlement.

Provide copies of all such settlement agreements.

**Response:** In addition to the General Objections set forth above, UCC objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents regarding operations even where no connection to the Site appears to exist.

Subject to and without waiving objections raised in this Response, UCC's investigation revealed no documents suggesting a connection with the Site.

32. Identify all communications and provide all documents that evidence, refer, or relate to claims made by or on behalf of the Union Carbide under any insurance policy referenced in Questions 26-29 above. Include any responses from the insurer with respect to any claims.

**Response:** In addition to the General Objections set forth above, UCC objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents regarding operations even where no connection to the Site appears to exist.

Subject to and without waiving objections raised in this Response, UCC's investigation revealed no documents suggesting a connection with the Site.

33. Identify any and all insurance, accounts paid or accounting files that identify Union Carbide's insurance policies.

**Response:** In addition to the General Objections set forth above, UCC objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents regarding operations even where no connection to the Site appears to exist.

Subject to and without waiving objections raised in this Response, UCC's investigation revealed no documents suggesting a connection with the Site.

34. List all named insureds on property, pollution and/or casualty liability insurance providing coverage to Union Carbide during the period being investigated as identified in Question 26, and the date such named insureds appeared on the policies.

**Response:** In addition to the General Objections set forth above, UCC objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents regarding operations even where no connection to the Site appears to exist.

Subject to and without waiving objections raised in this Response, UCC's investigation revealed no documents suggesting a connection with the Site.

35. Identify any person or organization requiring evidence of Union Carbide's casualty, liability and/or pollution insurance during the period being investigated as identified in Question 26, including the nature of the insurance requirement and the years when the evidence was required.

**Response:** In addition to the General Objections set forth above, UCC objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents regarding operations even where no connection to the Site appears to exist.

Subject to and without waiving objections raised in this Response, UCC's investigation revealed no documents suggesting a connection with the Site.



36. Identify your company's policy with respect to document retention.

**Response:** In addition to the General Objections set forth above, UCC objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents regarding operations even where no connection to the Site appears to exist.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Shannon S. Callahan". The signature is fluid and cursive, with the first name "Shannon" and last name "Callahan" clearly distinguishable.

Shannon S. Callahan

Attorney for Union Carbide Corporation

Tele: 215-592-3404

Fax: 215-592-3227

E-mail: [SCallahan@dow.com](mailto:SCallahan@dow.com)



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Package may be left without  
obtaining a signature for delivery.

☐ Direct Signature  
Someone at recipient's address  
may sign for delivery. **Fee applies.**

☐ Indirect Signature  
If no one is available at recipient's  
address, someone at a neighboring  
address may sign for delivery. For  
residential deliveries only. **Fee applies.**

Does this shipment contain dangerous goods?

One box must be checked.

☒ No ☐ Yes  
As per attached  
Shipper's Declaration.

☐ Yes  
Shipper's Declaration  
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